

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	Case No. 8:05CR279
)	
Plaintiff,)	
)	
v.)	ORDER
)	
MICHELLE URIOSTE,)	
)	
Defendant.)	

Before the court is defendant's unopposed Motion to Continue (Filing No. 39) the change of plea hearing for sixty days. Pursuant to the defense attorney's representation that his client is executing an affidavit waiving excludable time under the Speedy Trial Act and will be filing it as soon as practicable, the motion will be granted.

IT IS ORDERED that a change of plea for the defendant is rescheduled before the undersigned in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on **February 10, 2006, at 11:00 a.m.** Since this is a criminal case, the defendant shall be present, unless excused by the court. If an interpreter is required, one must be requested by the plaintiff in writing five (5) days in advance of the scheduled hearing.

The ends of justice will be served by granting the defendant's request for a continuance and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising from the date of defendant's Motion to Continue to the newly scheduled change of plea hearing date, namely, **December 14, 2005, through February 10, 2006**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, for the reason that defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case, and the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 14th day of December, 2005.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
United States District Judge